

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DIAGEO NORTH AMERICA, INC.,

Plaintiff,

v.

W.J. DEUTSCH & SONS LTD. d/b/a  
DEUTSCH FAMILY WINE & SPIRITS, and  
BARDSTOWN BARREL SELECTIONS LLC,

Defendants.

Case No. 1:17-cv-04259-LLS

**NOTICE OF MOTION TO EXCLUDE  
THE TESTIMONY OF MATTHEW G. EZELL**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Gianni P. Servodidio and exhibits attached thereto, the undersigned attorneys for Plaintiff/Counterclaim Defendant Diageo North America, Inc. shall move this Court, before the Honorable Louis L. Stanton, United States Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York 10007, for an Order pursuant to Federal Rules of Evidence 403 and 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and other authorities cited in the accompanying Memorandum, excluding Matthew Ezell from testifying as an expert witness for Defendants Deutsch Family Wine and Spirits and Bardstown Barrel Selections LLC in this case and barring any use of, or reliance on, his written report, survey evidence, and deposition testimony at trial.

Dated: New York, New York  
December 16, 2020

Respectfully submitted,

By: /s/Gianni P. Servodidio  
Susan J. Kohlmann  
Gianni P. Servodidio  
Jacob D. Alderdice  
Allison N. Douglass  
JENNER & BLOCK LLP  
919 Third Avenue, 38th Floor  
New York, NY 10022  
Phone 212-891-1600  
Fax 212-891-1699  
gservodidio@jenner.com

*Attorneys for Plaintiff Diageo North  
America, Inc.*